

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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RENEWAL OF EXPERIMENTAL CLASSIFICATION AND
FEES FOR WEIGHT-AVERAGED NONLETTER-SIZE
BUSINESS REPLY MAIL, 1999

Docket No. MC99-1

**MOTION OF THE UNITED STATES POSTAL SERVICE
FOR WAIVER OF RULE 67c(a)(1)
(March 10, 1999)**

Pursuant to Rule 67c(a)(2) of the Commission's Rules of Practice and Procedure, 39 C.F.R. § 3001.67c(a)(2), the United States Postal Service hereby moves for a waiver of certain of the provisions of Rule 67c(a)(1) that may be applicable to its request for renewal of the experimental classification and fees for weight-averaged nonletter-size Business Reply Mail.

In any instance in which the Postal Service designates as unavailable data called for by § 3001.64, it shall, as part of its initial filing under that rule, either (1) [d]escribe with particularity the means it proposes to employ to collect those data, or (2) [s]tate with particularity the reason it believes establish that such data are unnecessary.

The sole objective of the Postal Service in Docket No. MC99-1 is to obtain the authority to extend a portion of the current nonletter-size BRM experiment beyond its June 7, 1999, implementation date, so that the Postal Service can use the experiment beyond that date to resolve administrative and technical issues related to the implementation of the permanent classification and fees requested in

Docket No. MC99-2. The Postal Service considers that its Docket No. MC99-2 filing demonstrates that the paramount objectives of Docket No. MC97-1 have been achieved -- the production of sufficient data to permit analysis of whether a permanent classification and fees should be established. Approval of the Docket No. MC99-1 request for renewal of the current experiment will preserve the necessary environment for the completion of the development and testing of administrative procedures and technical resources which are not expected to be in place on June 8, 1999, but which are necessary to ensure a smooth implementation of a permanent classification and fees for weight averaged nonletter-size Business Reply Mail.

The Postal Service considers that requiring it to collect additional data reflecting its resolution of the administrative and technical issues described in the Docket No. MC99-1 testimony of witness Kiefer (USPS-T-1) would serve no significant purpose. Some of that work is presently underway. Every effort is being made to complete it as expeditiously as possible.

In the instant proceeding, the Postal Service has requested that the experiment be extended until February 29, 2000, or until implementation of the permanent classification and fees requested in Docket No. MC99-2, whichever comes first. Irrespective of the degree of expedition with which Docket. Nos. MC99-1 and MC99-2 are resolved by the Commission, the Postal Service is certain that it will not be ready to implement any permanent Docket No. MC99-2

classification and fees on June 8, 1999. Selection of the proposed "outside" date of February 29, 2000, reflects two realities:

First, although extremely unlikely, the prospect that the resolution of Docket No. MC99-2 could take the full 10 months permitted by 39 U.S.C. § 3624(c)(1) is, nevertheless, at least theoretically, within the realm of possibility.¹

Second, regardless of any difference between (a) the date chosen by the Board of Governors for the implementation of any Docket No. MC99-2 classification and fees and (b) the date after June 7, 1999, on which the Postal Service resolves the administrative and technical issues which, in its view, justify renewal of the experiment, the Postal Service intends for the renewed experimental classification and fees to remain in effect until the permanent classification and fees are implemented. This would ensure the smoothest possible transition from the "old" to the "new" for the experiment participants and affected post offices and avoid a disruptive and temporary fee hike occasioned by charging the otherwise applicable 8-cent per-piece accounting fee for advance deposit account nonletter-size BRM.

The Postal Service considers that the very limited purpose of Docket No. MC99-1 Request, coupled with the availability of detailed cost data in Docket No.

¹ The Postal Service assumes, for purposes of Docket No. MC99-1, that it might not receive a recommended decision in Docket No. MC99-2 until as late as January 10, 2000. Under those circumstances, the Postal Service assumes the possibility of a February, 2000, Governors Decision, and implementation immediately upon the conclusion of that month.

MC99-2 concerning the estimated costs associated with the proposed permanent classification and fees, render unnecessary the requirement in Rule 67c(a)(1) that the Postal Service file a plan in the instant docket describing plans to collect data regarding steps it will take during the requested temporary "renewal" phase of the experiment to achieve a level of readiness sufficient to implement a permanent classification and fees.

Accordingly, because of the limited nature of the Docket No. MC99-1 proposal and in recognition of the flexibility envisioned by the experimental rules, the Postal Service requests that this motion be granted.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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CERTIFICATE OF SERVICE

I hereby certify that I have attached a copy of this Motion to all copies of the Request being distributed to parties upon notice of their intervention in this proceeding.

A handwritten signature in black ink, appearing to read "M. Tidwell", is written over a horizontal line.

Michael T. Tidwell

March 10, 1999